

E-FILING

SCOTT N. SCHOOLS (SC 9990)
United States Attorney

FILED

2007 NOV 15 P 12:47

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM LESTER JOHNSEN,

Defendant.

No.

CR 07 00722HRL
VIOLATION: Title 16, United States Code,
Section 1372(a)(2)(A) - Unlawful Taking of
Marine Mammal (Class A misdemeanor)

SAN JOSE VENUE

INFORMATION

The United States Attorney charges:

Introduction

1. Under Title 16, United States Code, Section 1362(6), a marine mammal is any mammal which is morphologically adapted to the marine environment or primarily inhabits the marine environment.

2. A Harbor seal is a marine mammal.

3. The Marine Mammal Protection Act, 16 U.S.C. § 1372(a)(2)(A), prohibits the "taking" of marine mammals within the jurisdiction of the United States.

4. Under Title 16, United States Code, Section 1362(13), the term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

INFORMATION

5. Under Title 16, United States Code, Section 1362(18)(A), harassment is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal in the wild or has the potential to disturb a marine mammal in the wild by causing disruption of behavioral patterns such as migration, breathing, nursing, breeding, or sheltering.

COUNT ONE: (16 U.S.C. §§ 1372(a)(2)(A) & 1375(b) - Unlawful Taking of a Marine Mammal)

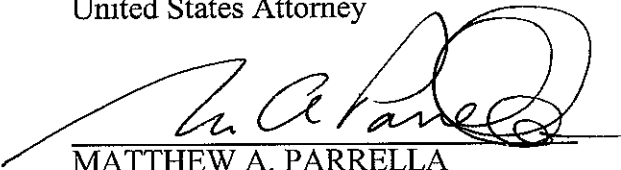
6. On or about May 23, 2007, in the Northern District of California, and in waters or on lands under the jurisdiction of the United States, the defendant,

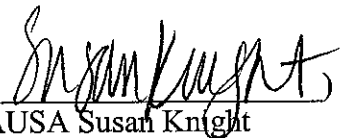
WILLIAM LESTER JOHNSEN,

did knowingly take a marine mammal, to wit: by harassing, striking and beating Harbor Seals (*Phoca Vitulina*), with a skim board, in violation of Title 16, United States Code, Sections 1372(a)(2)(A) and 1375(b), a Class A misdemeanor.

DATED: 11/13/07

SCOTT N. SCHOOLS
United States Attorney


MATTHEW A. PARRELLA
Chief, San Jose Branch Office

(Approved as to form: )

AUSA Susan Knight

INFORMATION

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

Count 1: Title 16, U.S.C. § 1372(a)

(2)(A) - Unlawful Taking of
Marine Mammal**E-FILING**☐ Petty
☐ Minor
☒ Misdemeanor
☐ Felony**PENALTY:**1 year jail
\$20,000 fine
1 year supervised release
\$25 special assessment fee**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

NOAA

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

SUSAN KNIGHT

Name of District Court and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT 2007 NOV 15 P 12:47

WILLIAM LESTER JOHNSON WIEKING

DISTRICT COURT CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.**CR 07 00722 HRL****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of Institution

Has detainer
been filed? ☐ Yes ☐ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS*☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 12/20/07 9:30am

110 E. Effrey St., Santa Cruz CA 95062

Before Judge: Trumbull

Comments: _____